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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/727,697

12/04/2003

Ted A. Barnes

PGI 02910 PTUS

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7590

08/11/2006

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EXAMINER

VANTERPOOL, LESTER L

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/727,697

Applicant(s)

BARNES, TED A.

Examiner

Lester L. Vanterpool

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>September 27, 2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

This action is in response to applicant's amendment received on May 18, 2006.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 8 & 15 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: "the threaded accessory hole and the pair of hollow standoffs.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

Art Unit: 3727

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3 & 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Gates et al., (U.S. Patent Number 6588637. Gates et al., discloses the body (40) (See Figure 1, the pair of parallel mounting holes (46) in the body (40) (See Column 3, lines 52 – 53); the radial relief location (44) between the parallel mounting holes (46); and the threaded accessory hole (42) (column 3, line 24 – 26) (See Figure 1).

Regarding claim 3, as stated above in claim 1, Gates et al., discloses the body (40) is generally rectangular (See Figure 1).

Regarding claim 5, as stated above in claim 1, Gates et al., discloses the threaded accessory hole (42) is located in substantially perpendicular relationship to the mounting holes (46) (See Figure 1).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gates et al., (U.S. Patent Number 6588637) in view of Howland et al., (U.S. Patent Number 5928232). Gates et al., discloses the invention substantially as claimed.

However, Gates et al., does not disclose the countersink portion that is larger in diameter than the cylinder portion.

Howland et al., teaches the countersink portion (110) that is larger in diameter than the cylinder portion (column 5, line 21 – 51) (See Figure 2) for the purpose of providing adequate alignment.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the countersink portion as taught by Howland et al., with the vehicle accessory mount of Gates et al., in order to enhance loading of the mounting bolts into the mounting hole prior to tighten without the mounting bolts wavering.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gates et al., (U.S. Patent Number 6588637) in view of Chen (U.S. Patent Number 6644614). Gates et al., discloses the invention substantially as claimed.

However Gates et al., does not disclose a threaded accessory hole located between the mounting holes.

Chen teaches the threaded accessory hole (511) located between the mounting holes (53) (See Figure 2) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the threaded hole between the mounting holes as taught

Art Unit: 3727

by Chen with the vehicle accessory mount of Gates et al., in order to enhance the anchoring security of the attachment.

8. Claims 6 – 10, 12, & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gates et al., (U.S. Patent Number 6588637) in view of Hammons (U.S. Patent Number 6234510). Gates et al., discloses the invention substantially as claimed. Gates et al., discloses the threaded accessory hole (42).

However, Gates et al., does not disclose a ball stud attached to the threaded accessory hole.

Hammons teaches the ball stud (E) attached to the threaded accessory hole (D) (column 3, line 47 – 49) (See Figures 2 and 5) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the ball stud as taught by Hammons with the vehicle accessory mount of Gates et al., in order to enhance the user's multi-functional capabilities of the vehicle accessory mount.

Regarding claim 7, Gates et al., discloses the body (40); the pair of parallel mounting holes (46) in the body (40) (See Figure 1).

However Gates et al., does not disclose a ball stud attached to the body.

Hammons teaches the ball stud (E) attached to the body (20 & C) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the ball stud as taught by Hammons with the vehicle accessory mount of Gates et al., in order to enhance user multi-functional capabilities.

Regarding claim 8, Gates et al., discloses the body (40); the pair of parallel mounting holes (46) in the body (40); the threaded accessory hole (42).

However Gates et al., does not disclose a pair of hollow standoffs.

Hammons teaches the pair of hollow standoffs (30 & 138) (column 4, line 14 – 16) (See Figures 2 & 6) for the purpose of providing reliability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the pair of hollow standoffs as taught by Hammons with the vehicle accessory mount of Gates et al., in order to enhance reliability.

Regarding claim 9, as stated above in claim 8, Gates et al., discloses the body (40) as generally rectangular. See Figure 1.

Regarding claim 10, as stated above in claim 8, Gates et al., discloses the radial relief located between the parallel mounting holes (46).

Regarding claim 12, as stated above in claim 8, Gates et al., discloses the threaded accessory hole (42) is located in substantially perpendicular relationship to the mounting holes (46).

Regarding claim 15, Gates discloses the body (40) and the pair of parallel mounting holes (46) in the body (40) (See Figure 1).

Furthermore, Hammons discloses the pair of hollow standoffs (30) and the ball stud (E) attached to the body (20 & C) (See Figures 2 & 6).

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gates et al., (U.S. Patent Number 6588637) in view of Hammons (U.S. Patent Number 6234510) as applied to claim 8 above, and further in view of Chen (U.S. Patent Number 6644614). Gates et al., and Hammons disclose the invention substantially as claimed.

However, Gates et al., and Hammons do not disclose a threaded accessory hole located between the mounting holes.

Chen teaches the threaded accessory hole (411) located between the mounting holes (53) (See Figure 2) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the threaded accessory hole between the mounting holes as taught by Chen with the vehicle accessory mount of Gates et al., in order to enhance the anchoring security of the attachment and increase multi-functional capabilities.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gates et al., (U.S. Patent Number 6588637) in view of Hammons (U.S. Patent Number 6234510) as applied to claim 8 above, and further in view of Howland et al., (U.S. Patent Number

Art Unit: 3727

5928232). Gates et al., and Hammons disclose the invention substantially as claimed.

However, Gates et al., and Hammons do not disclose a countersink portion that is larger in diameter than the cylinder portion.

Howland et al., teaches the countersink portion (110) that is larger in diameter than the cylinder portion (column 5, line 21 – 51) (See Figure 2) for the purpose of providing temporary alignment restraint.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the countersink portion as taught by Howland et al., with the vehicle accessory mount of Gates et al., in order to enhance the ease the loading of bolts and prevent loading mounting bolts from wavering.

11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gates et al., (U.S. Patent Number 6588637) in view of Hammons (U.S. Patent Number 6234510) as applied at claim 8 above, and further in view of White (U.S. Patent Number 6349042). Gates et al., and Hammons disclose the invention substantially as claimed.

However, Gates et al., and Hammons do not disclose the inside diameter of each hollow standoff is substantially the same as the inside diameter of the cylinder portion of the mounting holes.

White teaches the inside diameter of each standoff (12) is substantially the same as the inside diameter of the cylinder portion of the mounting holes (See Figure 1) for the purpose of providing structural durability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the standoff as taught by White with the vehicle accessory mount of Gates et al., in order to enhance structural durability and ensure a flush fit to prevent movement.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hancock (U.S. Patent Number 4607772) discloses the radial relief (21) located between the parallel mounting holes. See Figures 2 & 3.

### ***Response to Arguments***

13. Applicant's arguments filed on May 18, 2006 have been fully considered but they are not persuasive.

In response to applicant's argument pertaining to claims 1, 3 & 5. Gates et al., discloses the body (40) (See Figure 1) wherein the body (40) is rectangular (See Figure 1). Furthermore, Gates et al., discloses the radial relief (44) (See Figure 1) in the body (40) is "developing symmetrical about the central point apex point of the 'V' notch.

In response to applicant's argument that Howland (U.S. Patent Number 5928232) is nonanalogous art, it has been held that a prior art reference must either be in the field

of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Howland et al., teaches the countersink portion (110) that is larger in diameter than the cylinder portion (column 5, line 21 – 51) (See Figure 2) for the purpose of providing ease of loading the bolts and prevent loading mounting bolts from wavering which is reasonably pertinent to the particular problem.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the countersink portion as taught by Howland et al., with the vehicle accessory mount bolt holes (46) of Gates et al., in order to enhance the ease of loading the bolts and prevent loading mounting bolts from wavering.

Furthermore, Hammons teaches the ball stud (E) attached to the body (20 & C) for the purpose of providing multi-functional capabilities, which is reasonably pertinent to the particular problem.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the ball stud as taught by Hammons with the vehicle accessory mount of Gates et al., in order to enhance user multi-functional capabilities.

Moreover, Hammons teaches the pair of hollow standoffs (30 & 138) (column 4, line 14 – 16) (See Figures 2 & 6) for the purpose of providing reliability, which is reasonably pertinent to the particular problem.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the pair of hollow standoffs as taught by Hammons with the vehicle accessory mount of Gates et al., in order to enhance reliability.

In response to applicant's argument pertaining to claim 4, Chen discloses the threaded accessory hole (511) is located between the mounting holes (53) (See Figure 2), which is reasonably pertinent to the particular problem.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the threaded accessory hold located between the mounting holes as taught by Chen with the vehicle accessory mount of Gates et al., in order to enhance and accommodate multi-functional capabilities

### ***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

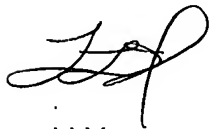
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F.R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A generally allegation that the claims "define a patentable invention" without specifically point out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LLV  
July 26, 2006

  
**JES F. PASCUA**  
**PRIMARY EXAMINER**